



STATE REPRESENTATIVE
GARY HEBL
46TH ASSEMBLY DISTRICT

MEMO

TO: Members of the Senate Committee on Judiciary, Corrections, Insurance,
Campaign Finance Reform, and Housing

FROM: Representative Gary Hebl

RE: Testimony in Favor of SB 467, relating to e-filing of criminal complaints

DATE: February 4, 2010

This bill makes a simple amendment to existing law to enable police officers to submit criminal complaints to a district attorney or judge via email. Current law only allows police officers to submit criminal complaints in person or via fax. All other aspects of current law are retained in the bill, including a sworn oath made by telephone and a signature. This simple bill will adapt current law to today's technology and will save law enforcement time and resources.

The need for this bill was brought to Rep. Hebl's and Sen. Jauch's attention at law enforcement roundtable discussions held last year. At the discussions, local police officers expressed their frustration at the amount of time, travel, and technology (i.e. a fax machine) needed to submit a criminal complaint. As fax machines are quickly becoming a thing of the past, it is increasingly burdensome for police officers to fulfill this essential component of their duties. It makes no sense to allow fax submission of a criminal complaint but not to allow email submission. This bill is in line with the public policy goals of current law and simply brings the verbiage of the statute up to date with today's technology.

As computers become increasingly ubiquitous and mobile, the ability to transmit the complaint via email will make submitting a complaint much more efficient and effective. By requiring the electronic signature and retaining the requirement that telephone contact is made, the bill provides the necessary safeguards to ensure complaints are authentic and under oath.



**STATE OF WISCONSIN
DEPARTMENT OF JUSTICE**

**J.B. VAN HOLLEN
ATTORNEY GENERAL**

**Raymond P. Taffora
Deputy Attorney General**

**114 East, State Capitol
P.O. Box 7857
Madison, WI 53707-7857
608/266-1221
TTY 1-800-947-3529**

**WRITTEN TESTIMONY OF ATTORNEY GENERAL J.B. VAN HOLLEN
IN SUPPORT OF SENATE BILL 467**

**Senate Committee on Judiciary, Corrections, Insurance,
Campaign Finance Reform, and Housing
Thursday, February 4, 2010**

Thank you Chairwoman Taylor and members of the Senate Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform and Housing for the opportunity to testify today on Senate Bill 467, what I call the e-signature bill. I would also like to thank Senator Jauch and Representative Hebl for authoring this legislation.

Over the past year and a half, many of you around this table have co-hosted and participated in county law enforcement roundtables that I have held in each of Wisconsin's 72 counties. The purpose of these roundtables was to hear from local leaders about the public safety and criminal justice issues affecting each county and community and see if there were ways in which those of us in state government could assist local law enforcement with their needs in our mutual mission and goal to improve the justice system. One way to assist, of course, is to identify any changes that might be made to state law.

This bill is one result of those discussions.

We heard repeatedly at roundtables a desire to change law to save resources without sacrificing fairness or public safety: make the filing of a criminal complaint more efficient. That's what the e-signature bill does.

Today, most criminal complaints are made by law enforcement officers. Currently, an officer may make a criminal complaint to a district attorney or judge in two ways: in person or by facsimile.

If the officer files a complaint in person, typically he or she will communicate information about the case to the DA, drive from headquarters, patrol, or a crime scene to the district attorney's office, wait to meet with the district attorney or an assistant district attorney, review the documents that have been prepared, work with the prosecutor to make any necessary modifications to finalize the complaint, take an oath, submit the signed document, and return to patrol or headquarters.

Filing a criminal complaint by facsimile is the alternative under current law. It requires a fax and a telephone contact to make an oath, and then submit the original.

But fax machines aren't nearly as available as email. If a criminal complaint could be sent to a district attorney with an "e-signature," it would cut down on the time and travel needed to file a complaint with the district attorney – and even allow officers equipped with a laptop and a cell phone to review a complaint from a scene, add an e-signature, send the complaint to the DA's office, and phone in to take the oath. The time spent now on unnecessary travel could increase an officer's time on the street or cut down on overtime, saving taxpayer money without infringing on public safety.

As computers become increasingly ubiquitous and mobile, the ability to transmit the complaint with an e-signature will allow law enforcement submitting the complaint to reduce the amount of time, travel, and technology needed to file a complaint. By requiring the e-signature and retaining the requirement that telephone contact is made, the bill provides the necessary safeguards to ensure complaints are authentic and under oath.

By adapting law to modern technology, we can help local law enforcement maximize officers' time on the streets and could cut some unnecessary overtime expenses.

I wholeheartedly support this piece of legislation and respectfully urge members to do the same.